

NORTHERN DISTRICT OF NEW YORK
UNITED STATES BANKRUPTCY COURT

In Re:

BRIAN P. COTA and
ROBBI A. COTA,

Chapter 13 Plan

Debtors.

You should read this Plan carefully and discuss it with your attorney. Confirmation of this Plan by the Bankruptcy Court may modify your rights by providing for payment of less than the full amount of your claim, by setting the value of the collateral securing your claim, and/or by setting the interest rate on your claim.

Debtor or Debtors (hereinafter called "Debtor") proposes this Chapter 13 Plan.

1. **Submission of Income.** The debtor submits to the supervision and control of the Chapter 13 Trustee ("Trustee") all of such portion of future earnings or other future income of Debtor as is necessary for the execution of this Plan.

2. **Plan Payments and Length of Plan.** The debtor will pay the sum of \$530.00 per month to the Trustee for 60-months for a total payment to the Trustee of \$31,800.00.

3. **Claims Generally.** The amounts listed for claims in this Plan are based upon the Debtor's best estimate and belief. An allowed proof of claim will be controlling unless the Court orders otherwise. Objections to claims may be filed before or after confirmation.

4. **Administrative Claims.** The Trustee will pay in full allowed administrative claims and expenses pursuant to 11 U.S.C. §507(a)(2) as set forth below, unless the holder of such claim or expense has agreed to a different treatment of its claim.

(A). **Trustee's Fees.** The Trustee shall receive a fee for each disbursement, the percentage of which is fixed by the United States Trustee.

(B). **Debtor's Attorney's Fees.** The total attorney fee as of the date of filing of the petition is \$3,700.00. The amount of \$1125.00 was paid prior to the filing of this case. The balance of \$2,575.00 will be paid as follows: \$2,575.00 to be paid at the initial disbursement following confirmation of the Plan from the funds available after the monthly payment is made to the secured creditors. Attorney fees shall be paid before other unsecured claims.

5. **Priority Claims.**

(A). **Domestic Support Obligations.**

None.

6. **Secured Claims.**

(A). Claims Secured by Personal Property which the Debtor intends to Retain. **NONE**

(B). **Claims secured by real property which debtor intends to retain.** The debtor will make all post-petition mortgage payments directly to each mortgage creditor as those payments ordinarily come due. These regular monthly mortgage payments, which may be adjusted up or down as provided for under the loan documents, are due beginning the first due date after the case is filed and continuing month thereafter, unless the Plan provides otherwise.

(a) Creditor	(b) Property Description	(c) Estimated Pre- Petition Arrearage	(d) Direct monthly payment.
Abn Amro Mortgage Group	256 Dimmick Road Gansevoort, NY 12831	\$0.00	\$1,460.00
Keybank Na	256 Dimmick Road Gansevoort, NY 12831 SECOND MORTGAGE	\$0.00	\$354.00

(C) **Claims to which §506 valuation is applicable.** Claims listed in this subsection consist of any claims secured by personal property not described. After confirmation of the plan, the trustee will pay to the holder of each allowed secured claim the monthly payment in column (f) based upon the replacement value as stated in column (d) or the amount of the claim, whichever is less, with interest at the rate stated in column (e). The portion of any allowed claim that exceeds the value indicated below will be treated as an unsecured claim. Upon confirmation of the plan, the valuation and interest rate shown below or as modified will be binding unless a timely written objection to confirmation is filed and sustained by the Court. Payments distributed by the Trustee are subject to the availability of funds.

(a) Creditor	(b) Collateral	(c) Purchase Date	(d) Replacement Value	(e) Interest Rate	(f) Monthly Payment
HSBC/Suzki	2008 Suzuki ATV	08/08	\$1,925.0	6.5-percent	\$37.66
Saratoga National Bank	2007 Toyota Camry	12/06	\$6,416.00	6.5-percent	\$125.54

7. **Unsecured claims.** Through the Chapter 13 Plan payments, the debtors propose to pay \$16,809.00 to the unsecured creditors. This sum will pay 15-percent to the unsecured creditors.

8. **Executory contracts and unexpired leases.** The following executory contracts and unexpired leases are assumed, and payments due after the filing of the case will be paid directly by the debtor, not through the trustee, as set forth below in column (c). **NONE**

9. **Property of the Estate.** Property of the Estate shall not vest in the earlier of the debtor's discharge or dismissal of this case, unless the Court orders otherwise.

Dated: _____

11-16-10

Brian P. Cota

Brian P. Cota

Robbi A. Cota

Robbi A. Cota

Debtor's Attorney: _____

S. Rodriguez